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SONOMA COUNTY; SONOMA COUNTY

COMMUNITY DEVELOPMENT

COMMISSION

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

NICHOLLE VANNUCCI, ELLEN
BROWN, and SHANNON HALL,
individuals; and HOMELESS ACTION!,
an unincorporated association,

Plaintiffs,

vs.

COUNTY OF SONOMA, SONOMA
COUNTY COMMUNITY
DEVELOPMENT COMMISSION, CITY
OF SANTA ROSA, Does 1 to 10, et al.,

Defendants.

Case No. 18-CV-01955-VC

**DEFENDANTS COUNTY AND
COMMISSION'S ANSWER AND
AFFIRMATIVE DEFENSES**

Answer

Defendants County of Sonoma and Sonoma County Community Development Commission (collectively “County Defendants”) by and through their undersigned counsel, in response to the Verified Amended Complaint and Supplemental Complaint¹ of Plaintiffs Nicolle Vannucci, Ellen Brown, Shannon Hall, and Homeless Action!, admit and deny Plaintiffs’ allegations as follows:

Preliminary Statement

It is without question that homelessness in Sonoma County, and the greater Bay Area, is a serious issue. But the solution to homelessness is not the continued existence of unsanctioned homeless encampments, like those that arose on the Roseland Village site and along the Joe Rodota Trail. Tents and tarpaulins, by their nature, are not suitable for long-term human habitation, nor do they provide adequate housing accessibility to those with physical and mental disabilities.

To address the Roseland Village encampment, the Commission brought together service providers from across the County’s homeless system of care, including its non-profit partners, to create an onsite Housing Navigation Center with intensive health and human services resources. The Homeless Outreach Service Team (HOST), a program funded in part with the City of Santa Rosa, staffed the Navigation Center full-time for the six weeks the Center was open to provide housing assessments and appropriate placement offers to encampment residents, including those with physical and mental disabilities. Following the closure of the Roseland encampment, HOST provided additional services to homeless individuals living along the nearby Joe Rodota Trail.

¹ Plaintiffs filed a Verified Amended Complaint on June 1, 2018 (ECF No. 46) and a Supplemental Complaint on June 17, 2018 (ECF No. 68). The Supplemental Complaint is styled, and numbered, as a standalone complaint. While the VAC is the operative document, County Defendants’ Answer tracks the sections and paragraph numbering in the Supplemental Complaint.

1 County Defendants' efforts were both aided and frustrated by self-described
2 homeless advocates, including Plaintiff Homeless Action! Without basis, advocates
3 alleged that there were not enough shelter beds and they discouraged homeless
4 individuals from accepting assistance from County Defendants with the twin false
5 promises that if enough people declined services, County Defendants would be
6 forced either to sanction homeless encampments or to issue individual motel
7 vouchers to residents. As part of the Roseland closure, Homeless Action! members
8 sowed confusion by packing the belongings of encampment residents in moving vans
9 and transporting the belongings to undisclosed locations. This action separated
10 encampment residents from their possessions, in some cases permanently. Despite
11 these challenges, 63 residents of the Roseland encampment accepted temporary
12 housing, and an additional 12 people were permanently housed—including former
13 plaintiffs Deborah Drake, Samantha Jenkins, and Robert Steven Singleton.

14 County Defendants utilize a "Housing First" strategy that seeks to quickly
15 resolve homeless episodes by lowering the barriers to entering shelters, which
16 includes the elimination of "dry" shelters and permitting pets in shelters; placing
17 people into permanent housing; and providing "wrap-around" services to help
18 ensure stability. County Defendants recognize that emergency shelters, such as
19 those offered to some of the residents at the Roseland and Rodota encampments, do
20 not end homelessness, but they improve the safety of people who are homeless by
21 bringing them inside to where they have immediate and direct access to housing
22 and other services.

23 The solution to ending homelessness lies not in sanctioned encampments, but
24 in the provision of more services and more permanent housing. That is why Sonoma
25 County Board of Supervisors adopted a resolution on July 10, 2018 declaring a
26 Homeless State of Emergency in Sonoma County. By doing so, the County will have
27 access to \$12 million in emergency funds from the State of California, in addition to
28 funds already budgeted, to bolster and expand the existing system of care. County

1 Defendants are focused on permanent housing and investing in adequate structures
2 that are intended for human habitation, rather than temporary measures that
3 would leave homeless individuals at the mercy of tents and tarpaulins to protect
4 them from the elements.

5
6 **Section titled “Introduction”**

7 1. County Defendants admit that the Roseland Encampments were two
8 homeless encampments that until April 20, 2018 were located in Santa Rosa,
9 California on a site owned by the Commission. But they deny knowledge or
10 information sufficient to form a belief as to the truth or falsity of the remaining
11 allegations in paragraph 1 of the Complaint and therefore deny them.

12 2. Denied. Further, County Defendants object to the characterization of
13 the closure of the Roseland Encampments as a “sweep.”

14 3. County Defendants deny knowledge or information sufficient to form a
15 belief as to the truth or falsity of the allegations in paragraph 3 and therefore deny
16 them.

17 4. County Defendants admit Plaintiffs asked them to delay closure of the
18 Roseland site. Except as expressly admitted, the County Defendants deny the
19 remaining allegations. Further, County Defendants object to the characterization of
20 the closure of the Roseland Encampments as a “sweep.”

21 5. County Defendants admit they denied Plaintiffs’ request to delay
22 closure of the Roseland site. County Defendants further admit that Plaintiffs filed a
23 motion for Temporary Restraining Order seeking to halt closure of the Roseland
24 encampments. Except as expressly admitted, the County Defendants deny the
25 remaining allegations. Further, County Defendants object to the characterization of
26 the closure of the Roseland Encampments as a “sweep.”

27 6. County Defendants admit the Court denied Plaintiffs’ Motion for a
28 Temporary Restraining Order and closed the Roseland site on April 19 and 20,

1 2018. Except as expressly admitted, the County Defendants deny the remaining
2 allegations.

3 7. County Defendants deny knowledge or information sufficient to form a
4 belief as to the truth or falsity of the allegations in paragraph 7 and therefore deny
5 them.

6 **Section titled “Jurisdiction and Venue”**
7

8 8. County Defendants admit that the Complaint purports to allege claims
9 over which this Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and
10 1343, 42 U.S.C. § 12132 and 42 U.S.C. § 1983. Except as expressly admitted, the
11 County Defendants deny the remaining allegations.

12 9. County Defendants admit that the Complaint purports to allege state
13 law and state constitutional claims over which this Court has supplemental
14 jurisdiction under 28 U.S.C. § 1367. Except as expressly admitted, the County
15 Defendants deny the remaining allegations.

16 10. Admit.

17 **Section titled, “Plaintiffs”**
18

19 11. County Defendants deny knowledge or information sufficient to form a
20 belief as to the truth or falsity of the allegations in paragraph 11 and therefore deny
21 them.

22 12. County Defendants deny knowledge or information sufficient to form a
23 belief as to the truth or falsity of the allegations in paragraph 12 and therefore deny
24 them.

25 13. County Defendants deny knowledge or information sufficient to form a
26 belief as to the truth or falsity of the allegations in paragraph 13 and therefore deny
27 them.

1 24. County Defendants deny that the “acts complained of herein,” in
2 reference to the Complaint, constitute policies, practices, or customs of the CDC.
3 County Defendants deny any remaining allegations in this paragraph that may be
4 construed as charging allegations against them, and further objects to them to the
5 extent they are argumentative or attempt to state legal conclusions as fact.

6 25. County Defendants object to the characterization of the relationship
7 between the County and Commission as “affiliated,” as it is vague and imprecise
8 and therefore deny the allegations in paragraph 25.

9 26. County Defendants deny knowledge or information sufficient to form a
10 belief as to the truth or falsity of the allegations in paragraph 26 and therefore deny
11 them.

12 27. County Defendants object to the characterization of the “Santa Rosa
13 Police Department, together with CDC staff and contractors, [as] the agency
14 responsible” and therefore deny the allegations in paragraph 27.

15 28. County Defendants deny knowledge or information sufficient to form a
16 belief as to the truth or falsity of the allegations in paragraph 28 and therefore deny
17 them.

18 29. Admit.

19 30. Admit.

20 31. County Defendants deny knowledge or information sufficient to form a
21 belief as to the truth or falsity of the allegations in paragraph 31 and therefore deny
22 them.

23 **Section titled, “Procedural History”**
24

25 32. Admit.

26 33. County Defendants admit Plaintiffs filed a Motion for Temporary
27 Restraining Order on March 31, 2018. County Defendants deny knowledge or
28

1 information sufficient to form a belief as to the truth or falsity of the remaining
2 allegations in paragraph 33 and therefore deny them.

3 34. County Defendants admit the Court ordered the parties to appear for a
4 hearing on Plaintiffs' motion for a temporary restraining order on April 5 and
5 entered an order temporarily enjoining defendants from enforcing the notice to
6 vacate at the Roseland encampments through the date of the hearing. Except as
7 expressly admitted, the County Defendants deny the remaining allegations in
8 paragraph 34.

9 35. County Defendants admit the Court asked whether they would
10 consider voluntarily postponing the closure of the Roseland Encampments for
11 twenty-one days. Except as expressly admitted, the County Defendants deny the
12 remaining allegations in paragraph 35.

13 36. County Defendants admit they scheduled the closure of the Roseland
14 Encampments for April 19, 2018. Except as expressly admitted, the County
15 Defendants deny the remaining allegations in paragraph 36.

16 37. Admit. County Defendants object to the characterization of the closure
17 of the Roseland Encampments as a "sweep."

18 38. County Defendants neither admit nor deny the allegations in
19 paragraph 38 as they do not constitute charging allegations against County
20 Defendants. To the extent that such allegations may be construed as charging
21 allegations against County Defendants, County Defendants deny them.

22 39. County Defendants neither admit nor deny the allegations in
23 paragraph 39 as they do not constitute charging allegations against County
24 Defendants. To the extent that such allegations may be construed as charging
25 allegations against County Defendants, County Defendants deny them.

**Section titled “Statement of Facts Previously Pled in the
Verified Amended Complaint”**

40. County Defendants admit that Plaintiffs purport to cite figures from the 2014 update to the 10-Year Homeless Action Plan for the County of Sonoma, a document that speaks for itself. Except as expressly admitted, the County Defendants deny the remaining allegations in paragraph 40.

41. County Defendants admit that Plaintiffs purport to cite figures from the 2014 update to the 10-Year Homeless Action Plan for the County of Sonoma, a document that exists and speaks for itself.

42. County Defendants admit that Plaintiffs purport to cite language from the August 9, 2016 Resolution of the City Council of Santa Rosa Proclaiming a Local Homeless Emergency, a document that exists and speaks for itself.

43. County Defendants admit that Plaintiffs purport to cite language from the August 9, 2016 Resolution of the City Council of Santa Rosa Proclaiming a Local Homeless Emergency, a document that exists and speaks for itself.

44. County Defendants admit that Plaintiffs purport to cite language from the August 9, 2016 Resolution of the City Council of Santa Rosa Proclaiming a Local Homeless Emergency, a document that exists and speaks for itself.

45. County Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 45 and therefore deny them.

46. County Defendants admit that Plaintiffs purport to cite figures from the 2017 Sonoma County Homeless Point-in-Time Census & Survey, a document that speaks for itself. Except as expressly admitted, the County Defendants deny the remaining allegations in paragraph 46.

47. County Defendants admit that Plaintiffs purport to cite figures from the 2017 Sonoma County Homeless Point-in-Time Census & Survey and to quote

1 from the Sonoma County's Homeless Action Plan. Both documents speak for
2 themselves. Except as expressly admitted, the County Defendants deny the
3 remaining allegations in paragraph 47.

4 48. County Defendants deny knowledge or information sufficient to form a
5 belief as to the truth or falsity of the allegations in paragraph 48 and therefore deny
6 them.

7 49. County Defendants admit that Plaintiffs purport to quote from the
8 2017 Sonoma County Homeless Point-in-Time Census & Survey. The document
9 speaks for itself. Except as expressly admitted, the County Defendants deny the
10 remaining allegations in paragraph 49.

11 50. County Defendants deny knowledge or information sufficient to form a
12 belief as to the truth or falsity of the allegations in paragraph 50 and therefore deny
13 them.

14 51. County Defendants deny knowledge or information sufficient to form a
15 belief as to the truth or falsity of the allegations in paragraph 51 and therefore deny
16 them.

17 52. County Defendants admit that Plaintiffs purport to quote from the
18 Sonoma County Continuum of Care 2017 report to the federal Department of
19 Housing and Urban Development. The document speaks for itself. Except as
20 expressly admitted, the County Defendants deny the remaining allegations in
21 paragraph 52.

22 53. County Defendants deny knowledge or information sufficient to form a
23 belief as to the truth or falsity of the allegations in paragraph 53 and therefore deny
24 them.

25 54. County Defendants deny knowledge or information sufficient to form a
26 belief as to the truth or falsity of the allegations in paragraph 54 and therefore deny
27 them.

28 55. Admit.

1 56. Admit.

2 57. County Defendants deny knowledge or information sufficient to form a
3 belief as to the truth or falsity of the allegations in paragraph 57 and therefore deny
4 them.

5 58. County Defendants deny knowledge or information sufficient to form a
6 belief as to the truth or falsity of the allegations in paragraph 58 and therefore deny
7 them.

8 59. County Defendants admit that the Coordinated Entry System includes
9 intake, assessment, and placement for homeless individuals. County Defendants
10 further admit that the VI-SPDAT (Vulnerability Index- Service Prioritization
11 Decision Assistance Tool) is one of the assessment tools. Except as expressly
12 admitted, the County Defendants deny the remaining allegations in paragraph 59.

13 60. County Defendants admit that the Coordinated Entry System uses the
14 VI-SPDAT as one of the tools to determine whether an individual will be placed on
15 the waitlist for emergency shelter and/or transitional housing, for rapid rehousing
16 services, or for permanent supportive housing.

17 61. County Defendants deny all allegations in paragraph 61.

18 62. County Defendants deny all allegations in paragraph 62.

19 63. County Defendants deny all allegations in paragraph 63.

20 64. County Defendants admit that Plaintiffs purport to quote from the
21 Sonoma County Continuum of Care 2017 report to the federal Department of
22 Housing and Urban Development regarding the description of Samuel Jones Hall.
23 The document speaks for itself. Except as expressly admitted, the County
24 Defendants deny the remaining allegations in paragraph 64.

25 65. County Defendants deny all allegations in paragraph 65.

26 66. County Defendants deny knowledge or information sufficient to form a
27 belief as to the truth or falsity of the allegations in paragraph 66 and therefore deny
28 them.

1 67. County Defendants deny knowledge or information sufficient to form a
2 belief as to the truth or falsity of the allegations in paragraph 67 and therefore deny
3 them.

4 68. County Defendants deny knowledge or information sufficient to form a
5 belief as to the truth or falsity of the allegations in paragraph 68 and therefore deny
6 them.

7 69. County Defendants deny knowledge or information sufficient to form a
8 belief as to the truth or falsity of the allegations in paragraph 69 and therefore deny
9 them.

10 70. County Defendants admit the Continuum of Care Coordinated Entry
11 Policies and Procedures references participating agencies' duty to provide
12 reasonable accommodations to individuals with disabilities. Except as expressly
13 admitted, the County Defendants deny the remaining allegations in paragraph 70.

14 71. County Defendants admit the CDC is aware that many homeless
15 individuals, including individuals living in encampments like the Roseland
16 Encampments have severe mental health disabilities. Except as expressly admitted,
17 the County Defendants deny the remaining allegations in paragraph 71.

18 72. County Defendants deny all allegations in paragraph 72.

19 73. County Defendants deny all allegations in paragraph 73.

20 74. County Defendants deny all allegations in paragraph 75 and object to
21 the extent they are argumentative or attempt to state legal conclusions as facts.

22 75. County Defendants admit that Plaintiffs purport to quote figures from
23 the 2017 Sonoma County Homeless Census and Survey Comprehensive Report. The
24 document speaks for itself. County Defendants deny knowledge or information
25 sufficient to form a belief as to the truth or falsity of the remaining allegations in
26 paragraph 75 and therefore deny them.

1 76. County Defendants admit that Plaintiffs purport to cite language from
2 the October 12, 2016 Press Release of the City of Santa Rosa, a document that
3 exists and speaks for itself.

4 77. County Defendants deny knowledge or information sufficient to form a
5 belief as to the truth or falsity of the allegations in paragraph 77 and therefore deny
6 them.

7 78. County Defendants deny knowledge or information sufficient to form a
8 belief as to the truth or falsity of the allegations in paragraph 78 and therefore deny
9 them.

10 79. County Defendants deny all allegations in paragraph 79.

11 80. County Defendants deny knowledge or information sufficient to form a
12 belief as to the truth or falsity of the allegations in paragraph 80 and therefore deny
13 them.

14 81. County Defendants admit Plaintiffs purport to quote City of Santa
15 Rosa Ordinance Ch. 11-22. The ordinance speaks for itself.

16 82. County Defendants deny knowledge or information sufficient to form a
17 belief as to the truth or falsity of the allegations in paragraph 82 and therefore deny
18 them.

19 83. County Defendants deny knowledge or information sufficient to form a
20 belief as to the truth or falsity of the allegations in paragraph 83 and therefore deny
21 them.

22 84. County Defendants object to the allegations to the extent they attempt
23 to summarize law, which exists and speaks for itself. County Defendants deny the
24 allegations in paragraph 84 to the extent they may be construed as charging
25 allegations against County Defendants.

26 85. County Defendants admit that Plaintiffs purport to quote Sonoma
27 County Code of Ordinances Section 19-15. The ordinance speaks for itself.

28 86. Admit.

1 87. County Defendants admit there are legal campgrounds within Sonoma
2 County. Except as expressly admitted, County Defendants deny the remaining
3 allegations in paragraph 87.

4 88. County Defendants deny knowledge or information sufficient to form a
5 belief as to the truth or falsity of the allegations in paragraph 88 and therefore deny
6 them.

7 89. County Defendants deny knowledge or information sufficient to form a
8 belief as to the truth or falsity of the allegations in paragraph 89 and therefore deny
9 them.

10 90. County Defendants deny knowledge or information sufficient to form a
11 belief as to the truth or falsity of the allegations in paragraph 90 and therefore deny
12 them.

13 91. County Defendants deny knowledge or information sufficient to form a
14 belief as to the truth or falsity of the allegations in paragraph 91 and therefore deny
15 them.

16 92. County Defendants deny knowledge or information sufficient to form a
17 belief as to the truth or falsity of the allegations in paragraph 92 and therefore deny
18 them.

19 93. County Defendants deny knowledge or information sufficient to form a
20 belief as to the truth or falsity of the allegations in paragraph 93 and therefore deny
21 them.

22 94. County Defendants deny knowledge or information sufficient to form a
23 belief as to the truth or falsity of the allegations in paragraph 94 and therefore deny
24 them.

25 95. County Defendants deny knowledge or information sufficient to form a
26 belief as to the truth or falsity of the allegations in paragraph 95 and therefore deny
27 them.

1 96. County Defendants deny knowledge or information sufficient to form a
2 belief as to the truth or falsity of the allegations in paragraph 96 and therefore deny
3 them.

4 97. County Defendants admit that at the time Plaintiffs initiated this
5 action there were two encampments at the Roseland site, located at 665 to 883
6 Sebastopol Road in Santa Rosa. Except as expressly admitted, County Defendants
7 deny the remaining allegations in paragraph 97.

8 98. Admit.

9 99. Admit.

10 100. County Defendants admit that an encampment of approximately 20
11 people appeared at the Roseland site in November 2015. Except as expressly
12 admitted, County Defendants deny the allegations in paragraph 100.

13 101. County Defendants admit Plaintiffs purport to quote from an article
14 published in the Santa Rosa Press Democrat on Feb. 14, 2016. The document exists
15 and speaks for itself. County Defendants admit the CDC provided fencing, porta-
16 toilets to protect its property, and to avoid the creation of a public nuisance. County
17 Defendants deny knowledge or information sufficient to form a belief as to the truth
18 or falsity of the remaining allegations in paragraph 101 and therefore deny them.

19 102. County Defendants deny that the County approved an extension of the
20 Dollar Tree's lease. County Defendants admit that the Commission approved the
21 extension of the lease, as well as an additional extension, if warranted. Except as
22 expressly admitted, County Defendants deny the allegations in paragraph 102.

23 103. County Defendants admit that a second encampment formed at the
24 Roseland site in November 2017. County Defendants deny knowledge or
25 information sufficient to form a belief as to the truth or falsity of the remaining
26 allegations in paragraph 103 and therefore deny them.

1 104. County Defendants deny knowledge or information sufficient to form a
2 belief as to the truth or falsity of the remaining allegations in paragraph 104 and
3 therefore deny them.

4 105. County Defendants deny knowledge or information sufficient to form a
5 belief as to the truth or falsity of the allegations in paragraph 105 and therefore
6 deny them.

7 106. County Defendants deny all allegations in paragraph 106.

8 107. County Defendants admit that Plaintiffs purport to summarize a
9 report submitted to the Sonoma County Board of Supervisors on December 5, 2017.
10 The document speaks for itself. Except as expressly admitted, County Defendants
11 deny the remaining allegations in paragraph 107.

12 108. County Defendants admit the allegations in paragraph 108.

13 109. County Defendants admit that on or about February 27, 2018, after
14 the CDC posted a written notice to vacate at the Roseland Encampments, the CDC
15 opened a Navigation Center in an unoccupied building near the encampments.
16 Except as expressly admitted County Defendants deny the allegations in paragraph
17 109.

18 110. County Defendants admit the CDC posted a new notice to vacate on or
19 about March 7, 2018 that changed the deadline to vacate to April 3, 2018. The
20 Notice speaks for itself.

21 111. Admit.

22 112. County Defendants admit that Plaintiffs purport to cite figures from
23 “CDC reports.” The documents speak for themselves. Except as expressly admitted,
24 County Defendants deny the remaining allegations in paragraph 112.

25 113. The County Defendants object to the allegations in paragraph 113 to
26 the extent they are argumentative. To the extent the allegations in paragraph 113
27 constitute charging allegations against County Defendants, they are denied.

1 114. County Defendants admit that some residents of the Roseland
2 Encampment were offered a shelter bed. Except as expressly admitted County
3 defendants deny the remaining allegations in paragraph 114.

4 115. County Defendants admit receiving letters from Plaintiffs dated March
5 9, 2012 and March 12, 2018. The documents exist and speak for themselves. Except
6 as expressly admitted, County Defendants deny the remaining allegations in
7 paragraph 115.

8 116. County Defendants admit that the Commission had discussions with
9 Plaintiffs regarding the situation. County Defendants admit the Commission
10 provided Plaintiffs with documentation regarding the Roseland Encampments. The
11 documents exist and speak for themselves. Except as expressly admitted, County
12 Defendants deny the remaining allegations in paragraph 116.

13 117. County Defendants deny knowledge or information sufficient to form a
14 belief as to the truth or falsity of the allegations in paragraph 117 and therefore
15 deny them.

16 118. County Defendants admit receiving a request from Defendants to
17 postpone the closure of the Roseland Encampments. Except as expressly admitted,
18 County Defendants deny the remaining allegations in paragraph 118.

19 119. County Defendants admit the Commission offered to entertain specific
20 accommodation requests from individual encampment residents. Except as
21 expressly admitted, County Defendants deny the remaining allegations in
22 paragraph 119.

23 120. County Defendants admit they received request from Plaintiffs dated
24 March 28, 2018. The document speaks for itself. Except as expressly admitted,
25 County Defendants deny the remaining allegations in paragraph 120.

26 121. County Defendants admit they responded to Plaintiffs request on
27 March 29, 2018. The document speaks for itself. Except as expressly admitted,
28 County Defendants deny the remaining allegations in paragraph 121.

1 122. County Defendants admit the allegations in paragraph 122, but object
2 to the extent it is argumentative.

3 123. County Defendants deny knowledge or information sufficient to form a
4 belief as to the truth or falsity of the allegations in paragraph 123 and therefore
5 deny them.

6 124. County Defendants deny knowledge or information sufficient to form a
7 belief as to the truth or falsity of the allegations in paragraph 124 and therefore
8 deny them.

9 125. County Defendants deny knowledge or information sufficient to form a
10 belief as to the truth or falsity of the allegations in paragraph 125 and therefore
11 deny them.

12 126. County Defendants deny knowledge or information sufficient to form a
13 belief as to the truth or falsity of the allegations in paragraph 126 and therefore
14 deny them.

15 127. County Defendants deny knowledge or information sufficient to form a
16 belief as to the truth or falsity of the allegations in paragraph 127 and therefore
17 deny them.

18 128. County Defendants deny knowledge or information sufficient to form a
19 belief as to the truth or falsity of the allegations in paragraph 128 and therefore
20 deny them.

21 129. County Defendants deny knowledge or information sufficient to form a
22 belief as to the truth or falsity of the allegations in paragraph 129 and therefore
23 deny them.

24 130. County Defendants deny knowledge or information sufficient to form a
25 belief as to the truth or falsity of the allegations in paragraph 130 and therefore
26 deny them.

27

28

1 131. County Defendants deny knowledge or information sufficient to form a
2 belief as to the truth or falsity of the allegations in paragraph 131 and therefore
3 deny them.

4 132. County Defendants deny knowledge or information sufficient to form a
5 belief as to the truth or falsity of the allegations in paragraph 132 and therefore
6 deny them.

7 133. County Defendants deny knowledge or information sufficient to form a
8 belief as to the truth or falsity of the allegations in paragraph 133 and therefore
9 deny them.

10 134. County Defendants deny knowledge or information sufficient to form a
11 belief as to the truth or falsity of the allegations in paragraph 134 and therefore
12 deny them.

13 135. County Defendants deny knowledge or information sufficient to form a
14 belief as to the truth or falsity of the allegations in paragraph 135 and therefore
15 deny them.

16 136. County Defendants deny knowledge or information sufficient to form a
17 belief as to the truth or falsity of the allegations in paragraph 136 and therefore
18 deny them.

19 137. County Defendants admit Vannucci sought assistance through the
20 Navigation Center adjacent to the Roseland Encampments prior to the scheduled
21 eviction of the encampments. Except as expressly admitted, County Defendants
22 deny the remaining allegations in paragraph 137.

23 138. County Defendants deny the allegations in paragraph 138.

24 139. County Defendants deny knowledge or information sufficient to form a
25 belief as to the truth or falsity of the allegations in paragraph 139 and therefore
26 deny them.

1 140. County Defendants deny knowledge or information sufficient to form a
2 belief as to the truth or falsity of the allegations in paragraph 140 and therefore
3 deny them.

4 141. County Defendants deny knowledge or information sufficient to form a
5 belief as to the truth or falsity of the allegations in paragraph 141 and therefore
6 deny them.

7 142. County Defendants deny knowledge or information sufficient to form a
8 belief as to the truth or falsity of the allegations in paragraph 142 and therefore
9 deny them.

10 143. County Defendants deny knowledge or information sufficient to form a
11 belief as to the truth or falsity of the allegations in paragraph 143 and therefore
12 deny them.

13 144. County Defendants deny knowledge or information sufficient to form a
14 belief as to the truth or falsity of the allegations in paragraph 144 and therefore
15 deny them.

16 145. County Defendants deny knowledge or information sufficient to form a
17 belief as to the truth or falsity of the allegations in paragraph 145 and therefore
18 deny them.

19 146. County Defendants deny knowledge or information sufficient to form a
20 belief as to the truth or falsity of the allegations in paragraph 146 and therefore
21 deny them.

22 147. County Defendants deny knowledge or information sufficient to form a
23 belief as to the truth or falsity of the allegations in paragraph 147 and therefore
24 deny them.

25 148. County Defendants deny knowledge or information sufficient to form a
26 belief as to the truth or falsity of the allegations in paragraph 148 and therefore
27 deny them.

1 149. County Defendants deny knowledge or information sufficient to form a
2 belief as to the truth or falsity of the allegations in paragraph 149 and therefore
3 deny them.

4 150. County Defendants admit Brown participated in an assessment at the
5 Navigation Center. Except as expressly admitted, County Defendants deny the
6 remaining allegations in paragraph 150.

7 151. County Defendants deny knowledge or information sufficient to form a
8 belief as to the truth or falsity of the allegations in paragraph 151 and therefore
9 deny them.

10 152. County Defendants deny knowledge or information sufficient to form a
11 belief as to the truth or falsity of the allegations in paragraph 152 and therefore
12 deny them.

13 153. County Defendants deny knowledge or information sufficient to form a
14 belief as to the truth or falsity of the allegations in paragraph 153 and therefore
15 deny them.

16 154. County Defendants deny knowledge or information sufficient to form a
17 belief as to the truth or falsity of the allegations in paragraph 154 and therefore
18 deny them.

19 155. County Defendants deny knowledge or information sufficient to form a
20 belief as to the truth or falsity of the allegations in paragraph 155 and therefore
21 deny them.

22 156. County Defendants deny knowledge or information sufficient to form a
23 belief as to the truth or falsity of the allegations in paragraph 156 and therefore
24 deny them.

25 157. County Defendants deny knowledge or information sufficient to form a
26 belief as to the truth or falsity of the allegations in paragraph 157 and therefore
27 deny them.

28

1 158. County Defendants deny knowledge or information sufficient to form a
2 belief as to the truth or falsity of the allegations in paragraph 158 and therefore
3 deny them.

4 159. County Defendants deny knowledge or information sufficient to form a
5 belief as to the truth or falsity of the allegations in paragraph 159 and therefore
6 deny them.

7 160. County Defendants deny knowledge or information sufficient to form a
8 belief as to the truth or falsity of the allegations in paragraph 160 and therefore
9 deny them.

10 **Section titled “Supplemental Statement of Facts”**
11

12 161. County Defendants admit the Navigation Center ceased operations on
13 April 2, 2018.

14 162. County Defendants deny knowledge or information sufficient to form a
15 belief as to the truth or falsity of the allegations in paragraph 162 and therefore
16 deny them.

17 163. County Defendants deny knowledge or information sufficient to form a
18 belief as to the truth or falsity of the allegations in paragraph 163 and therefore
19 deny them.

20 164. County Defendants deny knowledge or information sufficient to form a
21 belief as to the truth or falsity of the allegations in paragraph 164 and therefore
22 deny them.

23 165. County Defendants deny knowledge or information sufficient to form a
24 belief as to the truth or falsity of the allegations in paragraph 165 and therefore
25 deny them.

26 166. County Defendants admit receiving a communication from Plaintiffs’
27 counsel on April 12, 2008. The document speaks for itself. Except as expressly
28 admitted, County Defendants deny the remaining allegations in paragraph 166.

1 167. County Defendants deny knowledge or information sufficient to form a
2 belief as to the truth or falsity of the allegations in paragraph 167 and therefore
3 deny them.

4 168. County Defendants deny knowledge or information sufficient to form a
5 belief as to the truth or falsity of the allegations in paragraph 168 and therefore
6 deny them.

7 169. County Defendants object to the allegations in paragraph 169 to the
8 extent they are argumentative or attempt to state legal conclusions as facts. County
9 Defendants admit closure of the Roseland Encampments began on April 19, 2018
10 and concluded on April 20, 2018. Except as expressly admitted, County Defendants
11 deny the allegations in paragraph 169.

12 170. County Defendants admit the Santa Rosa Police Department, staff
13 from CDC and HOST, and counsel for defendants participated in the closure of the
14 Roseland Encampments.

15 171. County Defendants object to the allegations in paragraph 171 to the
16 extent they are argumentative or attempt to state legal conclusions as fact. County
17 Defendants deny the allegations in paragraph 171.

18 172. County Defendants deny knowledge or information sufficient to form a
19 belief as to the truth or falsity of the allegations in paragraph 168 and therefore
20 deny them.

21 173. County Defendants deny the allegations in paragraph 1743.

22 174. County Defendants admit that the Roseland Village Site was fenced off
23 on April 20, 2018. Except as expressly admitted, County Defendants deny
24 allegations in paragraph 174.

25 175. County Defendants deny knowledge or information sufficient to form a
26 belief as to the truth or falsity of the allegations in paragraph 175 and therefore
27 deny them.

1 176. County Defendants object to the allegations in paragraph 176 to the
2 extent they are argumentative or attempt to state legal conclusions as fact. County
3 Defendants deny knowledge or information sufficient to form a belief as to the truth
4 or falsity of the allegations in paragraph 175 and therefore deny them.

5 177. County Defendants object to the allegations in paragraph 177 to the
6 extent they are argumentative or attempt to state legal conclusions as fact. County
7 Defendants admit HOST offered temporary motel placements on April 19 and 20 to
8 approximately 9 persons. County Defendants deny the remaining allegations.

9 178. County Defendants admit the Joe Rodota Trail is an 8.2-mile-long
10 public hike-and-bike-trail in Defendant County's regional park system. County
11 Defendants deny knowledge or information sufficient to form a belief as to the truth
12 or falsity of the remaining allegations in paragraph 178 and therefore deny them.

13 179. County Defendants deny knowledge or information sufficient to form a
14 belief as to the truth or falsity of the allegations in paragraph 179 and therefore
15 deny them.

16 180. County Defendants deny knowledge or information sufficient to form a
17 belief as to the truth or falsity of the allegations in paragraph 180 and therefore
18 deny them.

19 181. County Defendants deny the allegations in paragraph 181.

20 182. County Defendants admit that HOST staff met with encampment
21 resident along the Joe Rodota Trail between April 23 and May 30, 2018. County
22 Defendants deny knowledge or information sufficient to form a belief as to the truth
23 or falsity of the remaining allegations in paragraph 182 and therefore deny them.

24 183. County Defendants deny knowledge or information sufficient to form a
25 belief as to the truth or falsity of the allegations in paragraph 183 and therefore
26 deny them.

1 184. County Defendants admit Defendant County instructed the removal of
2 the porta-potties along the Joe Rodota Trail on or about May 7, 2018. Except as
3 expressly admitted, Defendants deny the allegations in paragraph 184.

4 185. County Defendants deny knowledge or information sufficient to form a
5 belief as to the truth or falsity of the allegations in paragraph 185 and therefore
6 deny them.

7 186. County Defendants object to the extent the allegations in paragraph
8 186 are argumentative or attempt to summarize County ordinances, which speak
9 for themselves. County Defendants admit that Sonoma County Regional Parks had
10 not authorized portable toilets or water on the Joe Rodota Trail. County Defendants
11 deny the remaining allegations.

12 187. County Defendants deny knowledge or information sufficient to form a
13 belief as to the truth or falsity of the allegations in paragraph 187 and therefore
14 deny them.

15 188. County Defendants deny knowledge or information sufficient to form a
16 belief as to the truth or falsity of the allegations in paragraph 188 and therefore
17 deny them.

18 189. County Defendants admit that Sonoma County Regional Parks served
19 a Notice to Vacate on the residents of the encampment on the Joe Rodota Trail on or
20 about May 8, 2018. The Notice speaks for itself, and on that basis, the County
21 Defendants deny the remaining allegations in paragraph 189.

22 190. County Defendants admit that, Sonoma County Regional Parks served
23 a Notice to Vacate on the residents of the encampment on the Joe Rodota Trail on or
24 about May 16, 2018. The Notice speaks for itself, and on that basis, the County
25 Defendants deny the remaining allegations in paragraph 190.

26 191. County Defendants deny knowledge or information sufficient to form a
27 belief as to the truth or falsity of the allegations in paragraph 191 and therefore
28 deny them.

1 192. County Defendants admit the allegations in paragraph 192.

2 193. County Defendants admit Sonoma County Regional Parks served a
3 Notice to Vacate on the residents of the encampment on the Joe Rodota Trail on or
4 about May 23, 2018. The Notice speaks for itself, and on that basis, the County
5 Defendants deny the remaining allegations in paragraph 193

6 194. County Defendants admit that Plaintiffs purport to summarize the
7 contents of the May 23, 2018 notice. The Notice speaks for itself, and on that basis
8 the County Defendants deny the allegations in paragraph 194.

9 195. County Defendants admit that Plaintiffs purport to quote from and
10 summarize the contents of the May 23, 2018 notice. The Notice speaks for itself, and
11 on that basis the County Defendants deny the allegations in paragraph 195.

12 196. County Defendants deny knowledge or information sufficient to form a
13 belief as to the truth or falsity of the allegations in paragraph 196 and therefore
14 deny them.

15 197. County Defendants admit fences were erected around the area
16 occupied by the encampment along the Joe Rodota Trail between May 30, 2018 and
17 June 1, 2018.

18 198. County Defendants admit that access to the area was restricted to
19 County and City personnel, encampment residents, and limited others who had
20 been authorized by the County. Except as expressly admitted, County Defendants
21 deny the allegations in paragraph 198.

22 199. County Defendants admit that HOST workers were on site during
23 closure of the camp from May 30, 2018 through June 1, 2018. County Defendants
24 deny HOST workers were only on site for two to three hours each day. County
25 Defendants deny knowledge or information sufficient to form a belief as to the truth
26 or falsity of the remaining allegations in paragraph 199 and therefore deny them.

27 200. County Defendants admit that Santa Rosa Police Department Officers,
28 Sonoma county Regional Parks Department Rangers, and HA assisted in storing

1 personal possessions for people in the building that housed the former Navigation
2 Center. County Defendants deny the remaining allegations in paragraph 200.

3 201. County Defendants object to the allegations in paragraph 201 to the
4 extent they are argumentative or attempt to state legal conclusions as fact. County
5 Defendants deny the allegations in paragraph 201.

6 202. County Defendants object to the allegations in paragraph 202 to the
7 extent they are argumentative or attempt to state legal conclusions as facts. County
8 Defendants deny the allegations in paragraph 202.

9 203. County Defendants object to the allegations in paragraph 203 to the
10 extent they are argumentative or attempt to state legal conclusions as facts. County
11 Defendants deny the allegations in paragraph 203.

12 204. County Defendants deny knowledge or information sufficient to form a
13 belief as to the truth or falsity of the allegations in paragraph 204 and therefore
14 deny them.

15 205. County Defendants deny all allegations in paragraph 205.

16 206. County Defendants deny knowledge or information sufficient to form a
17 belief as to the truth or falsity of the allegations in paragraph 206 and therefore
18 deny them.

19 207. County Defendants admit HOST placed Iannucci and her partner in a
20 Motel 6 with a motel voucher. Except as expressly admitted, County Defendants
21 deny allegations in paragraph 207.

22 208. County Defendants admit that Motel 6 management exited Vannucci
23 from her hotel room prior to the expiration of her motel voucher. Except as
24 expressly admitted, County Defendants deny allegations in paragraph 208.

25 209. County Defendants deny knowledge or information sufficient to form a
26 belief as to the truth or falsity of the allegations in paragraph 209 and therefore
27 deny them.

28 210. Admit.

1 211. County Defendants deny knowledge or information sufficient to form a
2 belief as to the truth or falsity of the allegations in paragraph 211 and therefore
3 deny them.

4 212. Admit.

5 213. County Defendants deny knowledge or information sufficient to form a
6 belief as to the truth or falsity of the allegations in paragraph 213 and therefore
7 deny them.

8 214. Admit.

9 215. County Defendants deny knowledge or information sufficient to form a
10 belief as to the truth or falsity of the allegations in paragraph 215 and therefore
11 deny them.

12 216. County Defendants admit that Motel 6 management exited Brown
13 from her hotel room prior to the expiration of her motel voucher. Except as
14 expressly admitted, County Defendants deny knowledge or information sufficient to
15 form a belief as to the truth or falsity of the allegations in paragraph 216 and
16 therefore deny them.

17 217. Admit.

18 218. County Defendants admit that Ms. Brown was residing in Samuel
19 Jones Hall at the time Plaintiffs filed the Supplemental Complaint. County
20 Defendants deny knowledge or information sufficient to form a belief as to the truth
21 or falsity of the remaining allegations in paragraph 218 and therefore deny them.

22 219. County Defendants deny knowledge or information sufficient to form a
23 belief as to the truth or falsity of the allegations in paragraph 219 and therefore
24 deny them.

25 220. County Defendants deny knowledge or information sufficient to form a
26 belief as to the truth or falsity of the allegations in paragraph 220 and therefore
27 deny them.

1 221. County Defendants deny knowledge or information sufficient to form a
2 belief as to the truth or falsity of the allegations in paragraph 221 and therefore
3 deny them.

4 222. County Defendants deny knowledge or information sufficient to form a
5 belief as to the truth or falsity of the allegations in paragraph 222 and therefore
6 deny them.

7 223. County Defendants admit that. Hall participated in an assessment at
8 the Navigation Center; that HOST offered Hall a bed in Samuel Jones Hall. County
9 Defendants deny knowledge or information sufficient to form a belief as to the truth
10 or falsity of the remaining allegations in paragraph 223 and therefore deny them.

11 224. County Defendants deny knowledge or information sufficient to form a
12 belief as to the truth or falsity of the allegations in paragraph 224 and therefore
13 deny them.

14 225. County Defendants object to the allegations in paragraph 225 to the
15 extent they are argumentative or attempt to state legal conclusions as fact. County
16 Defendants deny knowledge or information sufficient to form a belief as to the truth
17 or falsity of the allegations in paragraph 225 and therefore deny them.

18 226. County Defendants admit that Hall spoke with representatives from
19 HOST on May 30, 2018. County Defendants deny knowledge or information
20 sufficient to form a belief as to the truth or falsity of the remaining allegations in
21 paragraph 226 and therefore deny them.

22 227. County Defendants deny knowledge or information sufficient to form a
23 belief as to the truth or falsity of the allegations in paragraph 227 and therefore
24 deny them.

25 228. County Defendants deny knowledge or information sufficient to form a
26 belief as to the truth or falsity of the allegations in paragraph 228 and therefore
27 deny them.

Section titled “Causes of Action”

First Cause of Action

229. County Defendants repeat and incorporate the admissions and denials of paragraphs 1 through 229 as though fully set forth herein.

230. County Defendants neither admit nor deny the allegations in paragraph 230 as they do not constitute charging allegations against County Defendants.

231. County Defendants deny the allegations in paragraph 231.

232. County Defendants object to the allegations in paragraph 233 to the extent they are argumentative or attempt to state legal conclusions as fact. County Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 232 and therefore deny them.

233. County Defendants object to the extent the allegations in paragraph 233 are argumentative or attempt to summarize the City’s ordinance, which speaks for itself. County Defendants deny that they enforce City ordinances and deny the remainder of the allegations in paragraph 233.

234. County Defendants object to the allegations in paragraph 234 to the extent they attempt to summarize the City’s ordinance, which speaks for itself. County Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 234 and therefore deny them.

235. County Defendants object to the extent to the allegations in paragraph 235 to the extent they attempt to state legal conclusions as fact, and on that basis deny them.

236. County Defendants object to the allegations in paragraph 236 to the extent they attempt to summarize the County’s ordinance, which speaks for itself.

237. County Defendants object the allegations in paragraph 237 to the extent they attempt to state legal conclusions as fact, and on that basis deny them.

238. County Defendants deny the allegations in paragraph 238

239. County Defendants deny the allegations in paragraph 239.

240. County Defendants deny the allegations in paragraph 240.

241. County Defendants deny the allegations in paragraph 241.

242. County Defendants deny the allegations in paragraph 242.

Second Cause of Action

243. County Defendants repeat and incorporate the admissions and denials of paragraphs 1 through 243 as though fully set forth herein.

244. County Defendants object to the allegations in paragraph 244 to the extent they attempt to state legal conclusions as fact, and on that basis deny them.

245. County Defendants object to the allegations in paragraph 245 to the extent they attempt to summarize the City's ordinance, which speaks for itself.

246. County Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 246 and therefore deny them.

247. County Defendants object to the allegations in paragraph 247 to the extent they are argumentative. County Defendants deny the allegations.

248. County Defendants deny the allegations in paragraph 248.

249. County Defendants object to the allegations in paragraph 249 to the extent they attempt to summarize law, which exists and speaks for itself.

250. County Defendants object to the allegations in paragraph 250 to the extent they attempt to state legal conclusions of fact, and on that basis deny them.

251. County Defendants object to the allegations in paragraph 251 to the extent they attempt to state legal conclusions of fact, and on that basis deny them.

252. County Defendants deny the knowledge or information sufficient to form a belief as to the truth of Plaintiffs' allegations with respect Homeless Action.

County Defendants object to the remaining allegations in paragraph 252 to the extent they attempt to state legal conclusions of fact, and on that basis deny them.

253. County Defendants deny the allegations in paragraph 253.

254. County Defendants deny the allegations in paragraph 254.

Third Cause of Action

255. County Defendants repeat and incorporate the admissions and denials of paragraphs 1 through 255 as though fully set forth herein.

256. County Defendants object to the allegations in paragraph 256 to the extent they are argumentative or attempt to state legal conclusions as fact, and on that basis deny them.

257. County Defendants object to the allegations in paragraph 257 to the extent they are argumentative or attempt to state legal conclusions as fact, and on that basis deny them.

258. County Defendants object to the allegations in paragraph 258 to the extent they are argumentative, attempt to state legal conclusions as fact, or attempt to summarize law, which exists and speaks for itself. On that basis, County Defendants deny the allegations.

259. County Defendants object to the allegations in paragraph 259 to the extent they attempt to summarize documents, which exist and speak for themselves. They County Defendants deny the remaining allegations.

260. County Defendants object to the allegations in paragraph 259 to the extent they attempt to summarize documents, which exist and speak for themselves. The County Defendants deny the remaining allegations.

261. The County Defendants deny the allegations in paragraph 261.

262. The County Defendants deny the allegations in paragraph 262.

263. County Defendants deny the knowledge or information sufficient to form a belief as to the truth of Plaintiffs' allegations with respect Homeless Action.

County Defendants object to the remaining allegations in paragraph 263 to the extent they attempt to state legal conclusions of fact, and on that basis deny them.

264. County Defendants deny the allegations in paragraph 264.

265. County Defendants deny the allegations in paragraph 265.

Fourth Cause of Action

266. County Defendants repeat and incorporate the admissions and denials of paragraphs 1 through 266 as though fully set forth herein.

267. County Defendants object to the allegations in paragraph 267 to the extent they attempt to summarize the law, which exists and speaks for itself.

268. County Defendants deny the allegations in paragraph 266.

269. County Defendants object to the allegations in paragraph 269 to the extent they are argumentative, and on that basis deny them.

270. County Defendants deny the allegations in paragraph 270.

271. County Defendants deny the allegations in paragraph 271.

272. County Defendants deny the allegations in paragraph 272.

273. County Defendants deny the allegations in paragraph 273.

274. County Defendants deny the knowledge or information sufficient to form a belief as to the truth of Plaintiffs' allegations with respect Homeless Action.

County Defendants object to the remaining allegations in paragraph 274 to the extent they attempt to state legal conclusions of fact, and on that basis deny them.

275. County Defendants deny the allegations in paragraph 275.

276. County Defendants deny the allegations in paragraph 276.

Fifth Cause of Action

277. County Defendants repeat and incorporate the admissions and denials of paragraphs 1 through 277 as though fully set forth herein.

1 278. County Defendants object to the extent the allegations in paragraph
2 278 attempt to summarize federal law, which exists and speaks for itself, and on
3 this basis deny the allegations.

4 279. County Defendants admit the allegations in paragraph 279.

5 280. County Defendants admit the allegations in paragraph 280.

6 281. County Defendants deny the knowledge or information sufficient to
7 form a belief as to the truth or falsity of Plaintiffs' allegations in paragraph 281 and
8 therefore deny them.

9 282. County Defendants deny the knowledge or information sufficient to
10 form a belief as to the truth of Plaintiffs' allegations in paragraph 282 and therefore
11 deny them.

12 283. County Defendants object to the extent the allegations in paragraph
13 283 attempt to summarize federal law, which exists and speaks for itself, and on
14 that basis deny the allegations.

15 284. County Defendants deny the knowledge or information sufficient to
16 form a belief as to the truth or falsity of Plaintiffs' allegations that Individual
17 Plaintiffs, other former residents of Roseland Encampments, and a significant
18 proportion of the homeless population of Sonoma county more broadly have physical
19 or mental health disabilities at greater rates that the County's population and
20 therefore deny them. County Defendants object to the extent the allegations
21 attempt to cite from the County's 2017 Homeless Point-In-Time Homeless Census
22 and Survey, which exists and speaks for itself.

23 285. County Defendants object to the extent the allegations attempt to state
24 legal conclusions as fact. County Defendants deny the allegations in paragraph 285.

25 286. County Defendants object to the extent the allegations attempt to state
26 legal conclusions as fact. County Defendants deny the allegations in paragraph 286.

27 287. County Defendants object to the extent the allegations attempt to state
28 legal conclusions as fact. County Defendants deny the allegations in paragraph 287.

1 288. County Defendants deny the allegations in paragraph 288.

2 289. County Defendants deny the allegations in paragraph 289.

3 290. County Defendants deny the allegations in paragraph 290.

4 291. County Defendants deny the knowledge or information sufficient to
5 form a belief as to the truth or falsity of Plaintiffs' allegations with respect
6 Homeless Action. County Defendants object to the remaining allegations in
7 paragraph 291 to the extent they attempt to state legal conclusions of fact, and on
8 that basis deny them.

9 292. County Defendants deny the allegations in paragraph 292.

10 293. County Defendants deny the allegations in paragraph 293.

11
12 **Sixth Cause of Action**

13 294. County Defendants repeat and incorporate the admissions and denials
14 of paragraphs 1 through 293 as though fully set forth herein.

15 295. County Defendants object to the extent the allegations in paragraph
16 295 attempt to state legal conclusions as fact or attempt to summarize federal law,
17 which exists and speaks for itself.

18 296. County Defendants deny the allegations in paragraph 296.

19 297. County Defendants deny the allegations in paragraph 297.

20 298. County Defendants deny the allegations in paragraph 298.

21 299. County Defendants admit receiving a communication from Plaintiffs'
22 counsel, which exists and speaks for itself. County Defendants deny the remaining
23 allegations in paragraph 299.

24 300. County Defendants deny the allegations in paragraph 300.

25 301. County Defendants object to the extent the allegations attempt to state
26 legal conclusions as fact and therefore deny them.

27 302. County Defendants object to the extent the allegations attempt to state
28 legal conclusions as fact and therefore deny them.

1 303. County Defendants deny the allegations in paragraph 303.

2 304. County Defendants deny the allegations in paragraph 304.

3 305. County Defendants deny the allegations in paragraph 305.

4 306. County Defendants objects to the allegations in paragraph 306 to the
5 extent they attempt to state legal conclusions as fact and therefore deny them.

6 307. County Defendants deny the allegations in paragraph 307.

7 308. County Defendants deny the allegations in paragraph 308.

8 309. County Defendants deny the allegations in paragraph 309.

9
10 **Seventh Cause of Action**

11 310. County Defendants repeat and incorporate the admissions and denials
12 of paragraphs 1 through 309 as though fully set forth herein.

13 311. County Defendants object to the extent the allegations in paragraph
14 311 attempt to state legal conclusions as fact and therefore deny them.

15 312. County Defendants object to the extent the allegations in paragraph
16 312 attempt to state legal conclusions as fact and therefore deny them.

17 313. County Defendants deny the allegations in paragraph 313.

18 314. County Defendants deny the allegations in paragraph 314.

19 315. County Defendants admit the Commission posted a Notice to Vacate
20 the Roseland Encampments by April 3, 2018. Except as expressly admitted, County
21 Defendants deny the allegations in Paragraph 315.

22 316. County Defendants deny the allegations in paragraph 316

23 317. County Defendants deny the allegations in paragraph 317.

24 318. County Defendants object to the allegations in paragraph 318 to the
25 extent they attempt to state legal conclusions as fact and therefore deny them.

26 319. County Defendants deny the allegations in paragraph 319.

27 320. County Defendants deny the allegations in paragraph 320.

28 321. County Defendants deny the allegations in paragraph 321.

Eighth Cause of Action

322. County Defendants repeat and incorporate the admissions and denials of paragraphs 1 through 321 as though fully set forth herein.

323. County Defendants object to the extent the allegations in paragraph 323 attempt to summarize federal law, which exists and speaks for itself.

324. County Defendants object to the extent the allegations in paragraph 324 attempt to summarize federal law, which exists and speaks for itself.

325. County Defendants admit the County and Commission receive and/or administer federal funds and, as such are covered by Section 504. Except as expressly admitted, County Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in paragraph 325 and therefore deny them.

326. County Defendants object to the extent the allegations in paragraph 326 attempt to state legal conclusions as fact and therefore deny them.

327. County Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in paragraph 327 and therefore deny them.

328. County Defendants object to the extent the allegations in paragraph 328 attempt to summarize federal law, which exists and speaks for itself.

329. County Defendants object to the extent the allegations in paragraph 329 attempt to summarize federal law, which exists and speaks for itself.

330. County Defendants object to the allegations in paragraph 330 to the extent they are argumentative or attempt to state legal conclusions as fact and therefore deny them.

331. County Defendants deny the allegations in paragraph 331.

332. County Defendants deny the allegations in paragraph 332.

333. County Defendants deny the allegations in paragraph 333.

Ninth Cause of Action

334. County Defendants repeat and incorporate the admissions and denials of paragraphs 1 through 333 as though fully set forth herein.

335. County Defendants object to the allegations in paragraph 335 to the extent they attempt to summarize federal law, which exists and speaks for itself, and therefore deny them.

336. County Defendants object to the allegations in paragraph 336 to the extent they attempt to summarize federal law, which exists and speaks for itself, and therefore deny them.

337. County Defendants object to the allegations in paragraph 337 to the extent they attempt to summarize federal law, which exists and speaks for itself, and therefore deny them.

338. County Defendants object to the allegations in paragraph 338 to the extent they attempt to state legal conclusions as fact and therefore deny them.

339. County Defendants object to the allegations in paragraph 339 to the extent they attempt to state legal conclusions as fact and therefore deny them.

340. County Defendants object to the allegations in paragraph 340 to the extent they attempt to state legal conclusions as fact and therefore deny them.

341. County Defendants deny the allegations in paragraph 341.

342. County Defendants deny the allegations in paragraph 342.

Tenth Cause of Action

343. County Defendants repeat and incorporate the admissions and denials of paragraphs 1 through 342 as though fully set forth herein.

344. County Defendants object to the allegations in paragraph 344 to the extent they attempt to summarize California law, which exists and speaks for itself.

1 345. County Defendants admit that County and the Commission are
2 recipients of stated funding. Except as expressly admitted, County Defendants deny
3 the allegations in paragraph 345

4 346. County Defendants object to the allegations in paragraph 346 to the
5 extent they attempt to summarize federal law, which exists and speaks for itself.

6 347. County Defendants object to the allegations in paragraph 347 to the
7 extent they attempt to summarize state and federal law, which exists and speaks
8 for itself.

9 348. County Defendants object to the allegations in paragraph 348 to the
10 extent they attempt to summarize federal law, which exists and speaks for itself.

11 349. County Defendants object to the allegations in paragraph 249 to the
12 extent they attempt to state conclusions of law as fact and therefore deny them.

13 350. County Defendants object to the allegations in paragraph 350 to the
14 extent they are argumentative or attempt to state legal conclusions as fact, and
15 therefore deny them.

16 351. County Defendants deny the allegations in paragraph 351.

17 352. County Defendants deny the allegations in paragraph 352.

18 353. County Defendants deny the allegations in paragraph 353.

19 354. County Defendants deny the allegations in paragraph 354

20 355. County Defendants deny the allegations in paragraph 355.

21 356. County Defendants deny the allegations in paragraph 356.

22 **Eleventh Cause of Action**

23
24 357. County Defendants repeat and incorporate the admissions and denials
25 of paragraphs 1 through 356 as though fully set forth herein.

26 358. County Defendants object to the allegations in paragraph 359 to the
27 extent they attempt to summarize state and federal law, which exists and speaks
28 for itself.

359. County Defendants objects to the extent the allegations in paragraph 359 to the extent it attempts to summarize state and federal law, which exists and speaks for itself.

360. County Defendants objects to the extent the allegations in paragraph
359 to the extent it attempts to summarize state law, which exists and speaks for
itself.

361. County Defendants object to the extent the allegations in paragraph 361 attempt to state conclusions of law as fact and therefore deny them.

362. County Defendants deny the allegations in paragraph 362.

363. County Defendants deny the allegations in paragraph 363.

364. County Defendants deny the allegations in paragraph 364.

Twelfth Cause of Action

365. County Defendants repeat and incorporate the admissions and denials of paragraphs 1 through ____ as though fully set forth herein.

366. County Defendants object to the extent the allegations in paragraph 366 attempt to summarize federal law, which exists and speaks for itself.

367. County Defendants admit County and the Commission receive and administer federal housing funds. Except as expressly admitted, County Defendants deny the allegations in paragraph 367.

368. County Defendants object to the extent the allegations in paragraph 368 are argumentative or attempt to state legal conclusions as fact. County Defendants deny the allegations in paragraph 368.

369. County Defendants object to the allegations in paragraph 369 to the extent they attempt to state legal conclusions and therefore deny them.

370. County Defendants object to the allegations in paragraph 370 to the extent they attempt to state legal conclusions and therefore deny them.

371. County Defendants object to the allegations in paragraph 371 to the extent they are argumentative or attempt to state legal conclusions as fact. County Defendants deny the allegations in paragraph 371.

372. County Defendants deny the allegations in paragraph 372.

373. County Defendants deny the allegations in paragraph 373.

Section entitled “Prayer for Relief”

The County Defendants deny that plaintiffs are entitled to the judgment sought, set forth in paragraphs 1-7 on pages 58 and 59 of its Complaint.

Affirmative Defenses

As separate and affirmative defenses, County Defendants allege:

I. First Affirmative Defense

As a first separate and distinct affirmative defense, County Defendants allege that the Verified Amended Complaint and Supplemental Complaint fail to state a claim upon which relief can be granted and fails to state sufficient facts to constitute a claim for relief against defendants.

II. Second Affirmative Defense.

As a second separate and distinct affirmative defense, County Defendants allege that the relief sought by Plaintiffs is barred to the extent they lack the requisite standing to obtain such relief.

III. Third Affirmative Defense

As a third separate and distinct affirmative defense, County Defendants allege that the relief sought by Plaintiffs is barred to the extent the claims are barred by the applicable statute of limitations.

IV. Fourth Affirmative Defense

As a fourth separate and distinct affirmative defense, County Defendants alleged that the relief sought by Plaintiffs is barred to the extent they have failed to take reasonable or necessary steps to mitigate any alleged damages.

V. Fifth Affirmative Defense

As a fifth separate and distinct affirmative defense, County Defendants alleged that the relief sought by Plaintiffs is barred to the extent they were required, but failed, to timely present a claim or otherwise comply with the requirements of the California Government Claims Act.

VI. Sixth Affirmative Defense

As a sixth separate and distinct affirmative defense, County Defendants alleged that the relief sought by Plaintiffs is barred to the extent they have failed to join parties in whose absence the Court cannot award complete relief among the existing parties.

VII. Seventh Affirmative Defense

As a seventh separate and distinct affirmative defense, County Defendants allege that the matters alleged in the Verified Amended Complaint and Supplemental Complaint do not rise to a level of a deprivation of rights that are protected by the United States or California constitutions or any of the laws or regulations referred to in them.

VIII. Eight Affirmative Defense

As an eight separate and distinct affirmative defense, County Defendants allege that some or all of the acts or omissions complained of by Plaintiffs did not arise as a result of, nor was there any custom, policy, procedure, agreement or understanding of the County or Commission that deprived Plaintiffs of any civil rights.

IX. Ninth Affirmative Defense

As a ninth separate and distinct affirmative defense, County Defendants alleged that neither the County nor Commission have an official policy, patter, custom or practice of engaging in the deprivation of constitutional or statutory rights as alleged in the Verified Amended Complaint and Supplemental Complaint. County Defendants allege that Plaintiffs' constitutional and statutory were not violated by County Defendants. Plaintiffs have not made factual allegations sufficient to establish that homelessness or poverty is a protected class under the Due Process Clause of the Fourteenth Amendment, or that any acts or omissions of County Defendants as alleged in the Verified Amended Complaint and Supplemental Complaint constituted cruel or unusual punishment within the Eighth or Fourteenth Amendments or the California Constitution, or a violation of substantive due process rights within the meaning of the Fourteenth Amendment or the California Constitution.

X. Tenth Affirmative Defense

As a tenth separate and distinct affirmative defense, County Defendants alleges that the relief sought by Plaintiffs is barred to the extent such relief would be a fundamental alteration of programs and services of the County, or Commission, or both, or programs that are not administered or in the control of either the County or Commission.

XI. Eleventh Affirmative Defense

As an eleventh separate and distinct affirmative defense, County Defendants allege that the relief sought by Plaintiffs is barred to the extent such relief would constitute an undue financial and administrative burden on the County or Commission, or both.

1 **XII. Twelfth Affirmative Defense**

2 As a twelfth separate and distinct affirmative defense, County Defendants
3 alleges that the allegations contained in the Verified Amended Complaint and
4 Supplemental Complaint fall within the immunities, defenses and privileges set
5 forth under applicable federal and state law, including but not limited to the
6 Federal Civil Rights Act, the California Government Claims Act, and the California
7 Penal Code. County Defendants are immune from liability for acts undertaken in an
8 official capacity, in good faith, even if mistaken, in accordance with reasonably or
9 clearly established law, and without wrongful intent at all times alleged in the
10 Verified Amended Complaint and Supplemental Complaint.

11 **XIII. Thirteenth Affirmative Defense**

12 As a thirteenth separate and distinct affirmative defense, County Defendants
13 alleged that they have engaged attorneys to represent them in the defense of
14 Plaintiffs' Verified Amended Complaint and Supplemental Complaint, and they are
15 entitled to an award of reasonable attorneys' fees and costs upon judgment in their
16 favor in accordance with applicable law, including but not limited to 42 U.S.C. §
17 1988, 28 U.S.C. § 1920, Rule 11 of the Federal Rules of Civil Procedure and/or
18 California Code of Civil Procedure § 1038.

19 **XIV. Fourteenth Affirmative Defense**

20 As a fourteenth separate and distinct affirmative defense, County Defendants
21 allege that the relief sought by Plaintiffs is barred to the extent their claims are
22 moot.
23
24
25
26
27
28

XV. Fifteenth Affirmative Defense

As a fifteenth separate and distinct affirmative defense, County Defendants allege the relief sought by Plaintiffs is barred to the extent they seek to compel or control County Defendants' exercise of their lawful discretion in a particular manner, including without limitation the expenditure of public funds and the enforcement of valid laws and regulations.

XVI. Sixteenth Affirmative Defense

As a sixteenth separate and distinct affirmative defense, County Defendants allege that this Court lacks subject matter jurisdiction over Plaintiffs' purported claims.

XVII. Seventeenth Affirmative Defense

As a seventeenth separate and distinct affirmative defense, County Defendants allege that plaintiffs cannot meet the requirements of the Eight Amendment; 42 U.S.C. § 1983; California Constitution sections 7 and 17 as the County and Commission have sufficient shelter for the homeless population at issue.

XVIII. Eighteenth Affirmative Defense

As an eighteenth separate and distinct affirmative defense, County Defendants alleges that Plaintiffs' claims are barred because Plaintiffs' injuries and damages, if there were any, were not caused by any improper act by County Defendants, but by other persons beyond their control.

XIX. Nineteenth Affirmative Defense

As a nineteenth separate and distinct affirmative defense, County Defendants allege Plaintiffs' claims are barred because County and Commission took the actions alleged in the Verified Amended Complaint and Supplemental

1 Complaint to protect important governmental interests, and protection of such
2 interest could not be achieved by less restrictive means.

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4 Date: August 7, 2018

BRUCE D. GOLDSTEIN, County Counsel

5 By:____/s/_____

6 CHRISTOPHER W. MAGAÑA
7 Attorneys for Defendant
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